Sectt. H-27—45,000—19-12-39.

Edn and P.H. **(1940) Department**

Ms. **SERIES.**

G.O. No. 415184

Dated 9/9/40

[Despatch Abstract.]

Buildings - Rules - Hospet Municipality - Belgodu Mohidin Sab - Exemption orders passed.

Lcat

C.F. 30.

Municipal 7 DEPARTMENT.

Received 11 APR 1940 19 Registered 15493 19

Subject.

Building - construction of a verandah - Belgodu Mohidin sab - Hospet-contravening building rules - orders - requested.

ENCLOSURES.
No. File of 50 pages
Spare copies

C.8 No. 140/39.

Station Hospet, *Dated the* 2nd April 1940

From (Name) Sri. N. G. Reddy, B.A., (Cantab)
(Designation) Commissioner, Hospet Municipality, Hospet.

To The Secretary to the Government of Madras,
Through Educational and Public Health Department. Madras.

Sir,

The Chairman,
Municipal Council,
Hospet.

Forwarded.
J Mohanraj
7.4.40
Chairman, M.C

One Belgodu Mohideen sab has put in an application for the construction of verandah infront of his house Door No.1729A in IV ward vide page 1. ~~Door No.1729-A~~

Permission was refused as the proposed construction of the verandah falls within 4' of the street alignment - vide rule 8 of the building rules. A copy of the order - vide page 9 was communicated.

The party commenced the construction inspite of refusal order. A notice vide page 19 was served to stop the work and to show cause why action should not be taken. The party was prosecuted and was also convicted to pay a fine - vide page 23.

The verandah having been commenced and completed without the permission of the executive authority provisional order under section 216(1) was served on the party vide page 25.

The party appealed to the council against the order refusing the permission to grant the licence vide page 31. The grounds of appeal are:-

(1) that the verandah has been constructed in his own site and that he has provided steps within the verandah itself and that he will not encroach upon the street for the construction of steps or sun shade,

and (2) that the absence of a verandah spoils the main building as there will be no protection against sun and rain.

The Council in its resolution No.1183 dated 18-1-40 vide page 35 granted the licence. I request the Government to pass orders whether the Council's resolution may be given effect to especially as rule 8 of building rules is not satisfied.

The whole file of (50) pages along with a sketch showing the position of the building is herewith submitted. It may kindly be returned soon after it is done with.

BN/3-4.

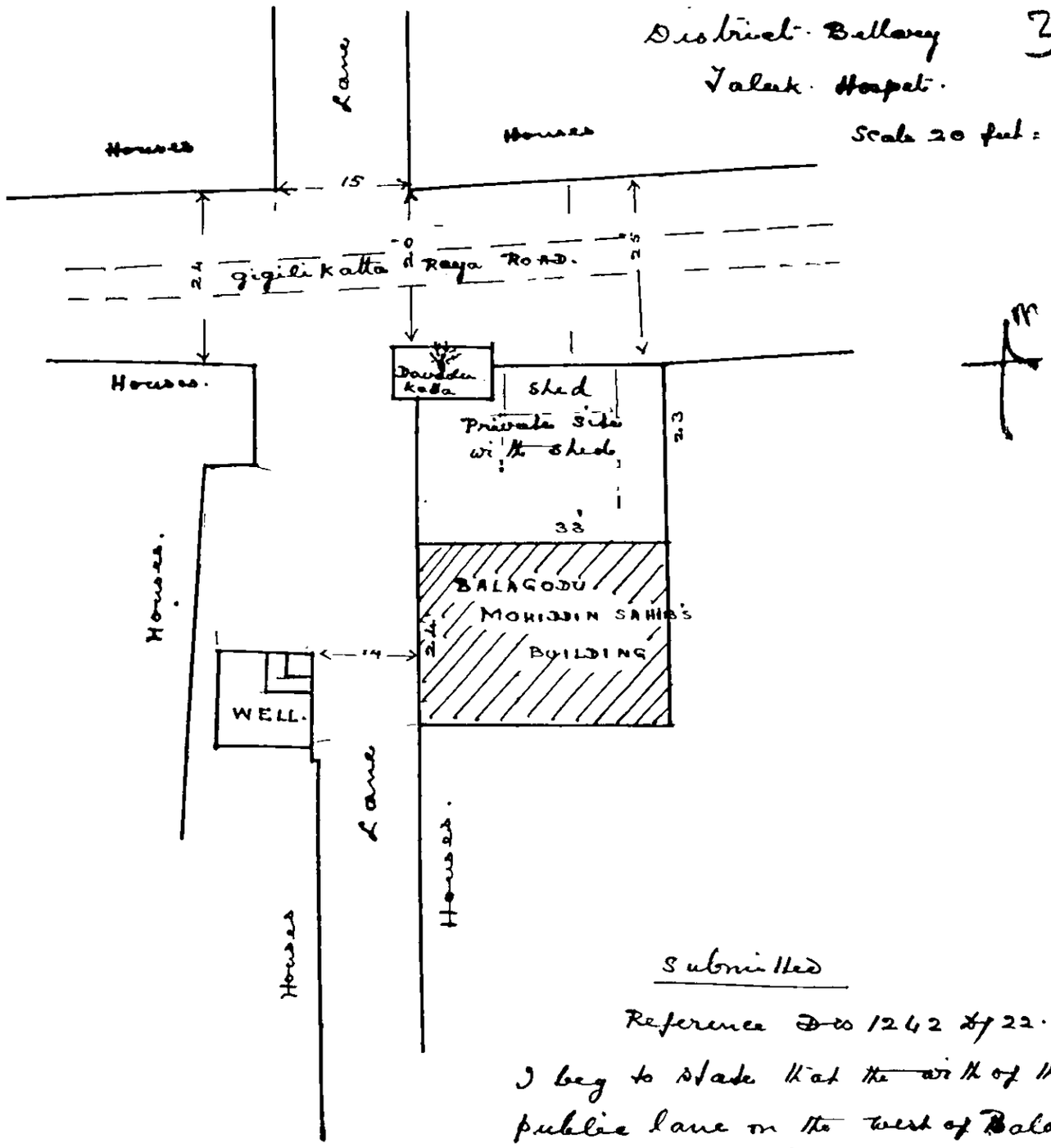
Commissioner. 6/4/40.

4.4.40

District Bellary 3

Taluk Hospet.

Scale 20 feet = 1 inch



Submitted

Reference Dis 1242 dt 22.5.60

I beg to state that the width of the public lane on the west of Balagodu Mohaddin sahib's building and the well is 14 feet.

The existing shed shown on on the north of his building is in a private site of Bassamma, in Village Site Poramboke S. No. 165

measurement N. to S. 23½'

E to W 22'

After this private site gigilikatta Raya Road passes which has not been surveyed.

Abdul Krishnan

T.S. 27.7.60.

15653 F 27/2/4

4

...t. ...t. -Department etc.

...d ...no. 15493 from the Municipal Hospital dn. ...ity.
C. P. No. 140/39 dated 2.4.40

Subject:- Maldin s- Taleo - Hospital- Municipality - etc.
Belgodu Mohidin Sahb - sinzation.

Memo No. 15493-1-F-P.H.D 22.4.40.

Referred to the D.T.P. for remarks.

12.4.40

To the D.T.P. with the st. in original to be returned with reply.

1/5/40

19.4.40

Van
t
by Messenger
Dpt's initials. with ...d
Date 19323/4

17.7.40.

DIRECTOR OF TOWN PLANNING
22 JUL 1940
3228
MADRAS

D.T.P. 1940/40
26-7-40
C.F. 98.

31051

E & P.H. Department.

Public Health Branch.

REMINDER.

REPLY.

To The Director, Town Planning

To The Under Secretary to Govt: C & PH. Dept.

31 JUL 1940

I ~~have the honour to invite~~ / am directed to invite / ~~invite~~ attention to Memo.

No. 15493-1-F dated 22.4.40 and

~~to request that the reply to it may be expedited~~ request that this reminder may be returned ~~at once~~ with information as to—

(1) the stage at which the matter now is, and

(2) the date by which a reply may be expected, and

~~(3) the circumstances which have caused the delay.~~

In this office D.T.P. 1243/40 of 23.8.40 the Commr was asked to furnish certain information to this office in connection with the said application. ~~No~~ reply is yet received. On receipt of information the remarks of this dept. ~~on~~ on the ref: will be submitted.

Office E & P. H. Secretariat

Signature. S R Kawar

Station Madras.

Designation. Under Secretary.

Dated 14-7-40 SUBJECT.

Building Rules. Hospet municipality. Relaxation

D.T.P.

C.E. 30.

Town Planning **DEPARTMENT.**

Received 17 AUG 1940 19 *Registered* 35782 19

Subject.

Building Rules - Hospet Municipality - Belugodu Mohideen Sahib - Relaxation.

ENCLOSURES.
No.
Spare copies

DTP. No. 2168/40

Station Mount Road, Madras *Dated the* 16th August, 19 40.

From (Name) S. Ranganathan, Esq., O.B.E., I.C.S.,
(Designation) Ex-Officio Director of Town Planning,

To The Secretary to the Government of Madras,
Education & Public Health Department.

Sir, para 4 ante

Ref: Govt. Memo. No.15493-1-F. P.H., dated 22-4-40.

Resubmitted with a copy of letter No.140/39-C5 dated 28-7-40 from the Commissioner with enclosures (in original).

2. The resolution No.1183 dated 18-1-40 of the Council granting the licence in contravention of the provisions contained in the Statutory Building Rules is beyond the powers of the Council and may be cancelled by Government.

3. The width of the street in front is only 14 feet. Under the proviso to clause 10(1)(a) of the non-extension area building rules it will be necessary to leave a space of 5 ft. from the edge of the street in front as against

p.t.o.

only 4 feet required under rule 8 of the old building rules. There is no justification for permitting the construction of verandah in the front 4 feet space.

Ex-Officio Director of
Town Planning, Madras.

15/8

Copy of letter No.H.P.140-39-C5 dated 28-7-40 from the Commissioner, Hospet Municipality, to the Director of Town Planning, Madras.

Sub: Building - construction of a verandah by Belugodu Mohideen Sahib - Hospet Municipality.
Read your D.T.P.No.1242-40 dated 22-5-40 and reminder thereon dated 26-7-40.

I submit herewith a sketch and note drawn by the Town Surveyor dated 27-7-40 which answers all the points raised by you.

Scott. II—10 (a)—36,003—21-1-18. (6)

Const # (7) DEPARTMENT.

68/1/49

Buildings - Rules - Hospet mncpl Belgodu Mohidin Sab - Exemption orders passed

READ AGAIN G.O. No. ....., dated 191

" " " " ..... " 191

READ ALSO:— 1891-3cf

C. No. 15493, From the Comm., Hospet mncpl; No. 140/39, dated 2.4 1940.

" " 33786 1897-5cf " " D.T.P. " 2168/40 " 16.8. 1940

" " " " ..... " 191

ORDER. No. 4151 dated 9.9. 1940.

MS

DP

DT's recommendation
ar 1897-8cf

The Govt see no justification to exempt ~~the question of exemption~~ the building belonging to Belgodu Mohidin Sab from the operation of the building rules

2 In its resolution No. 1183 dt 18/140 the Hospet mncpl granted licence to Belgodu Mohidin Sab for the building constructed by him in contravention of rule 8 of the Building Rules The mncpl has acted in excess of the powers vested in it by law in having passed

para 3 of the mncpl letter
Cf. para 2 of the DT's recommendation
ar para 7cf

As the Govt have exempted buildings from the operation of the Building rules only in Govt

the above resolution therefore passed proviso to sub-clause (4) of clause (1) of Sub-section (1) of section 36 of the MOTH Act, 1920 the noticee is therefore called upon to show cause within a fortnight from the date of receipt of this order why the above resolution should not be cancelled

SRy
5940
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Eas
8/9.

so

the company hereby called (and the case against the said be read)

3-10-60.